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2172  
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**PATENT**

Practitioner's Docket No. 1956/126

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael P. Wagner

Application No.: 09/480,390

Date Filed: 01/11/2000

For: System, Device, and Method for Providing Mutual Exclusion for Computer System Resources

Group No.: 2172

Examiner: To, B.

**RESPONSE UNDER  
37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP  
2172**

**RECEIVED**

JUN 28 2004

Technology Center 2100

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT OR RESPONSE AFTER FINAL REJECTION--TRANSMITTAL**

- Transmitted herewith is an amendment after final rejection (37 C.F.R. 1.116) for this application.

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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**37 C.F.R. § 1.8(a)**  
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**37 C.F.R. § 1.10\***

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**TRANSMISSION**

facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_  
06/24/2004 CNGUYEN 0000079 194972 09480390

01 FC:1251 110.00 DA

  
Signature  
Jeffrey T. Klayman

Date: June 21, 2004

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

## STATUS

2. Applicant is other than a small entity.

## EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for one month:

Fee: \$110.00

## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)		OTHER THAN A SMALL ENTITY		
Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra	Rate	Addit Fee
Total	12	Minus	40	= 0	x \$18 =	\$0
Indep	3	Minus	4	= 0	x \$86 =	\$0
First Presentation of Multiple Dependent Claim				+ \$290 =		\$0
					Total Addit. Fee	<u>\$0</u>

\* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3.  
\*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 1) is less than 20, enter "20".  
\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 2) is less than 3, enter "3".  
The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

No additional fee for claims is required.

## FEE PAYMENT

5. Authorization is hereby made to charge the amount of \$110.00 to Deposit Account No. 19-4972.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

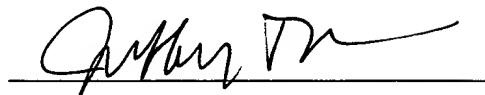
**FEE DEFICIENCY**

**6.**

If any additional extension and/or fee is required, charge Account No. 19-4972.

If any additional fee for claims is required, charge Account No. 19-4972.

Date: June 21, 2004



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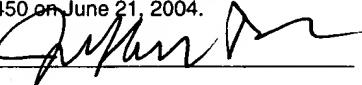
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael P. Wagner                          Att'y Docket: 1956/126  
Serial No.: 09/480,390                                  Art Unit: 2172  
Filed: January 11, 2000                                  Examiner: To, B.  
Title: SYSTEM, DEVICE, AND METHOD FOR PROVIDING MUTUAL  
EXCLUSION FOR COMPUTER SYSTEM RESOURCES

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CERTIFICATE OF MAILING

I hereby certify that this document, along with any other papers referred to as being attached or enclosed, is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 21, 2004.

  
Jeffrey T. Klayman

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P.O. Box 1450  
Alexandria, VA 22313-1450

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JUN 28 2004

Technology Center 2100

AMENDMENT

Dear Sir:

In response to the Office action of February 24, 2004, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.

**Remarks** begin on page 7 of this paper.